**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**&**
**THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY**

**WRIT APPEAL NO : 462 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/01/2005 in WP NO : 218 OF 2005 on the file of the High Court.)

Between:

K. Bikshpathy, S/o. Late Yellaiah,
DMRL, Hyderabad.

**..... APPELLANT**

AND

1 The Director, Defence Metallurgical Reserach - Laboratory,

Kanchangabh, Hyderabad.
2 The Govt of A.P., rep. by its Prl. Secretary,

Secretariat, Hyderabad.
3 The District Collector, Hyderabad, Hyderabad District.
4 The Jt. Collector, Hyderabad, Hyderabad Dist.

**.....RESPONDENTS**

**Counsel for the Appellant:MR.V.V.N.NARAYANA RAO**

**Counsel for the Respondent No.1: SMT.N.HEMA REDDY,**

**Additional Standing Counsel for Central Government.**

**Counsel for the Respondent No.2 to4: G.P. for Social Welfare.**

**The Court at the admission stage made the following :**

JUDGMENT (Per the Honourable Smt.Justice T.Meenakumari)

This writ appeal is preferred by the appellant against the order of the learned single Judge passed in W.P.No:218 of 2005 on 18.1.2005, by which the writ petition is dismissed.

The appellant is the writ petitioner. He filed the writ petition seeking a direction to declare the memorandum No:CF/1/6/1/ST, dated 28.12.2004 on the file of the 1st respondent as arbitrary and illegal and to stay all further proceedings pursuant to the said memo.

The learned single Judge having observed that in the absence of stay, the respondents are at liberty to proceed with the departmental enquiry and therefore, there are no grounds to interfere with the impugned memo, dated 28.12.2004, dismissed the writ petition. Having aggrieved by the same, the present writ appeal is filed by the writ petitioner.

Heard the learned counsel for the petitioner and the learned G.P. for Social Welfare.

It is contended by the learned counsel for the petitioner that the appeal filed by the petitioner is pending adjudication as to the social status before the 1st respondent and therefore, issuance of memo dated 28.12.2004 is arbitrary and the same is liable to be set aside.

On the other hand, it is submitted by the learned counsel for the respondents that the memo is issued to the petitioner calling upon him to file his written statement and admittedly, no stay has been granted in favour of the petitioner and therefore, there is no legal impediment for the department to proceed against the petitioner.

We have perused the material available on record. The order impugned in the writ petition goes to show that an enquiry will be held as to the charges levelled against him and therefore, he is required to file his written statement in that regard and in case he fails to comply with the provisions of Rule 14 of the CCS (CC &A) Rules, 1965, the enquiry will be proceeded against him exparte.

The memo impugned is nothing but a mere intimation to the petitioner to file his written statement and to participate in the enquiry. Admittedly, there is no stay obtained in the appeal filed by the petitioner before the 1st respondent.

Therefore, We are of the view that there is no legal impediment so as to proceed against the petitioner in the departmental enquiry and hence, the approach of the petitioner before this Court, is a premature one. The learned single Judge is justified in dismissing the writ petition and the said order does not warrant any interference by this Court. Hence, We do not see any merits in this writ appeal and the same is liable to be dismissed.

Accordingly, this writ appeal is dismissed. No costs.

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(T.MEENAKUMARI, J)

13TH JUNE, 2005

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(P.LAKSHMANA REDDY,J)

Gurc.

Copies to

1 The Director, Defence Metallurgical Reserach - Laboratory,

Kanchangabh, Hyderabad.

2 The Prl. Secretary, Govt of A.P., Secretariat, Hyderabad.

3 The District Collector, Hyderabad, Hyderabad District.

4 The Jt. Collector, Hyderabad, Hyderabad Dist.

5 Two C.C.s to the learned G.P. for Social Welfare, High Court

Buildings, Hyderabad (O.U.T).

6 Two CD copies